



Reprinted
February 20, 2007

HOUSE BILL No. 1623

DIGEST OF HB 1623 (Updated February 19, 2007 5:24 pm - DI 103)

Citations Affected: IC 9-21; IC 34-28; noncode.

Synopsis: Highway work zone safety. Requires the department of transportation (department) to design and manufacture signs to inform drivers of offenses and penalties related to operating a vehicle in or near highway work zones. Establishes higher minimum penalties for exceeding posted highway work zone speed limits. Establishes various offenses related to operating a vehicle in or near highway work zones. Requires that funds collected as judgments for violating the speed limit in a highway work zone be transferred to the department to pay the costs of hiring off duty police officers to perform certain duties.

Effective: July 1, 2007.

Oxley, Stilwell, Austin, Duncan

January 23, 2007, read first time and referred to Committee on Roads and Transportation.
February 15, 2007, amended, reported — Do Pass.
February 19, 2007, read second time, amended, ordered engrossed.

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HB 1623—LS 7596/DI 103+



Reprinted
February 20, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1623

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-21-4-20 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 20. (a) For purposes of this section, "highway work
4 zone" has the meaning set forth in IC 8-23-2-15.**

5 **(b) The Indiana department of transportation shall design and
6 manufacture or have manufactured signs that inform vehicle
7 operators of the offenses and penalties under:**

8 **(1) IC 9-21-5-11; and**

9 **(2) IC 9-21-8-56.**

10 **(c) A sign described in subsection (b) shall be posted at a
11 reasonable distance before a highway work zone by:**

12 **(1) the Indiana department of transportation;**

13 **(2) a political subdivision; or**

14 **(3) a contractor of the:**

15 **(A) Indiana department of transportation; or**

16 **(B) political subdivision;**

17 **that is working at the highway work zone.**

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A sign that is posted before a highway work zone must be posted in accordance with the Indiana Manual on Uniform Traffic Control Devices or the Indiana Work Site Traffic Control Manual.

SECTION 2. IC 9-21-5-11, AS AMENDED BY P.L.235-2005, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Subject to subsection (b), the Indiana department of transportation, the Indiana finance authority, or a local authority may establish temporary maximum speed limits in their respective jurisdictions and in the vicinity of a worksite without conducting an engineering study and investigation required under this article. The establishing authority shall post signs notifying the traveling public of the temporary maximum speed limits established under this section.

(b) Worksite speed limits set under this section must be ten (10) miles below the maximum established speed limit. A worksite speed limit may not exceed forty-five (45) miles per hour in any location.

(c) A worksite speed limit set under this section may be enforced only if:

- (1) workers are present in the immediate vicinity of the worksite; or**
- (2) if workers are not present in the immediate vicinity of the worksite, the establishing authority determines that the safety of the traveling public requires enforcement of the worksite speed limit.**

(d) Notwithstanding IC 34-28-5-4(b), a judgment for the infraction of violating a speed limit set under this section must be entered as follows:

- (1) If the person has not previously committed the infraction of violating a speed limit set under this section, a judgment of at least three hundred dollars (\$300).**
- (2) If the person has committed one (1) infraction of violating a speed limit set under this section in the previous three (3) years, a judgment of at least five hundred dollars (\$500).**
- (3) If the person has committed two (2) or more infractions of violating a speed limit set under this section in the previous three (3) years, a judgment of one thousand dollars (\$1,000).**

(e) Notwithstanding IC 34-28-5-5(c), the funds collected as judgments for the infraction of violating a speed limit set under this section shall be transferred to the Indiana department of transportation to pay the costs of hiring off duty police officers to perform the duties described in IC 8-23-2-15(b).

SECTION 3. IC 9-21-6-3 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2007]: Sec. 3. A person who violates this chapter commits a Class B misdemeanor, **except as provided in IC 9-21-8-56(d), (f), (g), and (h).**

SECTION 4. IC 9-21-8-49 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 49. Except as provided in sections 50, 51, 52, ~~and 54~~, **55, and 56** of this chapter, a person who violates this chapter commits a Class C infraction.

SECTION 5. IC 9-21-8-55, AS ADDED BY P.L.75-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 55. (a) This section does not apply to a law enforcement official engaged in the law enforcement official's official duties.

(b) For purposes of this section, a person engages in aggressive driving if, during one (1) episode of continuous driving of a vehicle, the person does or commits at least three (3) of the following:

- (1) Following a vehicle too closely in violation of IC 9-21-8-14.
- (2) Unsafe operation of a vehicle in violation of IC 9-21-8-24.
- (3) Overtaking another vehicle on the right by driving off the roadway in violation of IC 9-21-8-6.
- (4) Unsafe stopping or slowing a vehicle in violation of IC 9-21-8-26.
- (5) Unnecessary sounding of the horn in violation of IC 9-19-5-2.
- (6) Failure to yield in violation of IC 9-21-8-29 through IC 9-21-8-34.
- (7) Failure to obey a traffic control device in violation of IC 9-21-8-41.
- (8) Driving at an unsafe speed in violation of IC 9-21-5.
- (9) Repeatedly flashing the vehicle's headlights.

(c) A person who, with the intent to harass or intimidate a person in another vehicle, knowingly or intentionally engages in aggressive driving commits aggressive driving, a Class A misdemeanor, **except as provided in IC 9-21-8-56(d), (f), (g), and (h).**

SECTION 6. IC 9-21-8-56 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 56. (a) For purposes of this section, "highway work zone" has the meaning set forth in IC 8-23-2-15.

(b) Except as provided in subsections (f) through (h), a person who recklessly operates a vehicle in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(c) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly operates a motor

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vehicle in the immediate vicinity of a highway work zone when workers are present with the intent to:

- (1) damage traffic control devices; or
- (2) inflict bodily injury on a worker;

commits a Class A misdemeanor.

(d) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly engages in:

- (1) aggressive driving, as defined in section 55 of this chapter; or

(2) a speed contest, as prohibited under IC 9-21-6-1; in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(e) Except as provided in subsections (f) through (h), a person who recklessly fails to obey a traffic control device or flagman, as prohibited under section 41 of this chapter, in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(f) An offense under subsection (b), (c), (d), or (e) is a Class D felony if the person who commits the offense:

- (1) has a prior unrelated conviction under this section in the previous five (5) years; or
- (2) is operating the vehicle in violation of IC 9-30-5-1 or IC 9-30-5-2.

(g) An offense under subsection (b), (c), (d), or (e) is a Class D felony if the offense results in bodily injury to a worker in the worksite.

(h) An offense under subsection (b), (c), (d), or (e) is a Class C felony if the offense results in the death of a worker in the worksite.

SECTION 7. IC 34-28-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A defendant against whom a judgment is entered is liable for costs. Costs are part of the judgment and may not be suspended except under IC 9-30-3-12. Whenever a judgment is entered against a person for the commission of two (2) or more civil violations (infractions or ordinance violations), the court may waive the person's liability for costs for all but one (1) of the violations. This subsection does not apply to judgments entered for violations constituting:

- (1) Class D infractions; or
- (2) Class C infractions for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8.

(b) If a judgment is entered:

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(1) for a violation constituting:

(A) a Class D infraction; or

(B) a Class C infraction for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8; or

(2) in favor of the defendant in any case;

the defendant is not liable for costs.

(c) Except for costs, **and except as provided in IC 9-21-5-11(e)**, the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund.

(d) A judgment may be entered against a defendant under this section or section 4 of this chapter upon a finding by the court that the defendant:

(1) violated:

(A) a statute defining an infraction; or

(B) an ordinance; or

(2) consents to entry of judgment for the plaintiff upon a pleading of nolo contendere for a moving traffic violation.

SECTION 8. [EFFECTIVE JULY 1, 2007] (a) IC 9-21-5-11, as amended by this act, applies to civil judgments entered for infractions committed after June 30, 2007.

(b) IC 9-21-8-56, as added by this act, applies to offenses committed after June 30, 2007.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1623, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "(a)" insert **"For purposes of this section, "highway work zone" has the meaning set forth in IC 8-23-2-15. (b)"**.

Page 1, line 3, after "The" insert **"Indiana"**.

Page 1, line 3, after "department" insert **"of transportation"**.

Page 1, line 8, delete "(b)" and insert **"(c)"**.

Page 1, line 8, delete "(a) may" and insert **"(b) shall"**.

Page 1, line 9, delete "a worksite, including".

Page 1, line 10, delete "(as defined in IC 8-23-2-15),".

Page 1, line 11, after "the" insert **"Indiana"**.

Page 1, line 11, delete ";" and insert **"of transportation;"**.

Page 1, line 14, after "(A)" insert **"Indiana"**.

Page 1, line 14, delete ";" and insert **"of transportation;"**.

Page 1, line 16, delete "worksite." and insert **"highway work zone."**.

Page 2, line 23, delete "five (5)" and insert **"three (3)"**.

Page 2, line 27, delete "five (5)" and insert **"three (3)"**.

Page 2, line 27, delete "at least seven hundred fifty" and insert **"one thousand dollars (\$1,000)"**.

(d) Notwithstanding IC 34-28-5-5(c), the funds collected as judgments for the infraction of violating a speed limit set under this section shall be transferred to the Indiana department of transportation to pay the costs of hiring off duty police officers to perform the duties described in IC 8-23-2-15(b)."

Page 2, delete lines 28 through 42.

Page 3, delete lines 1 through 3.

Page 3, line 7, delete "IC 9-21-8-56(b)(5)." and insert **"IC 9-21-8-56(d), (f), (g), and (h)."**

Page 3, line 36, delete "IC 9-21-8-56(b)(4)." and insert **"IC 9-21-8-56(d), (f), (g), and (h)."**

Page 3, line 39, delete ""worksite"" and insert **""highway work zone" has the meaning set forth in IC 8-23-2-15."**

Page 3, delete line 40.

Page 3, line 41, delete "(c)" and insert **"(f)"**.

Page 3, line 41, delete "(e), any of the" and insert **"(h), a person who recklessly operates a vehicle"**.

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Page 3, line 42, delete "following, if committed".

Page 3, line 42, delete "worksite" and insert "**highway work zone**".

Page 4, line 1, delete "present, is" and insert "**present commits**".

Page 4, line 1, delete ":" and insert ".".

Page 4, delete lines 2 through 13, begin a new paragraph and insert:

"(c) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly operates a motor vehicle in the immediate vicinity of a highway work zone when workers are present with the intent to:

(1) damage traffic control devices; or

(2) inflict bodily injury on a worker;

commits a Class A misdemeanor.

(d) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly engages in:

(1) aggressive driving, as defined in section 55 of this chapter;

or

(2) a speed contest, as prohibited under IC 9-21-6-1;

in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(e) Except as provided in subsections (f) through (h), a person who recklessly fails to obey a traffic control device or flagman, as prohibited under section 41 of this chapter, in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor."

Page 4, line 14, delete "(c)" and insert "(f)".

Page 4, line 14, delete "(b)" and insert "**(b), (c), (d), or (e)**".

Page 4, line 16, delete "section;" and insert "**section in the previous five (5) years;**".

Page 4, line 19, delete "(d)" and insert "(g)".

Page 4, line 19, delete "(b)" and insert "**(b), (c), (d), or (e)**".

Page 4, line 19, delete "C" and insert "**D**".

Page 4, line 21, delete "(e)" and insert "**(h)**".

Page 4, line 21, delete "(b)" and insert "**(b), (c), (d), or (e)**".

Page 4, line 21, delete "B" and insert "**C**".

Page 4, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 6. IC 34-28-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A defendant against whom a judgment is entered is liable for costs. Costs are part of the judgment and may not be suspended except under IC 9-30-3-12. Whenever a judgment is entered against a person for the commission of two (2) or more civil violations (infractions or ordinance violations), the court may waive the person's liability for costs for all but one (1) of

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the violations. This subsection does not apply to judgments entered for violations constituting:

- (1) Class D infractions; or
 - (2) Class C infractions for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8.
- (b) If a judgment is entered:
- (1) for a violation constituting:
 - (A) a Class D infraction; or
 - (B) a Class C infraction for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8; or
 - (2) in favor of the defendant in any case;

the defendant is not liable for costs.

(c) Except for costs, **and except as provided in IC 9-21-5-11(d)**, the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund.

(d) A judgment may be entered against a defendant under this section or section 4 of this chapter upon a finding by the court that the defendant:

- (1) violated:
 - (A) a statute defining an infraction; or
 - (B) an ordinance; or
- (2) consents to entry of judgment for the plaintiff upon a pleading of nolo contendere for a moving traffic violation."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1623 as introduced.)

AUSTIN, Chair

Committee Vote: yeas 10, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1623 be amended to read as follows:

Page 2, between lines 16 and 17, begin a new paragraph and insert:

"(c) A worksite speed limit set under this section may be enforced only if:

- (1) workers are present in the immediate vicinity of the**

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worksite; or

(2) if workers are not present in the immediate vicinity of the worksite, the establishing authority determines that the safety of the traveling public requires enforcement of the worksite speed limit."

Page 2, line 17, delete "(c)" and insert "**(d)**".

Page 2, line 29, delete "(d)" and insert "**(e)**".

Page 4, line 42, delete "IC 9-21-5-11(d)," and insert "**IC 9-21-5-11(e)**".

(Reference is to HB 1623 as printed February 16, 2007.)

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